

The Need to Improve the Family Cases Management System in Malaysia's Syariah Courts

Keperluan Menambah baik Sistem Pengurusan Kes di Mahkamah Syariah Malaysia

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ABSTRACT

The increase in family cases today, including domestic violence, failure to pay alimony, infidelity, polygamy without consent, and others, has drawn attention from the public on social media, not to mention the involvement of well-known influencers and celebrities. A total of 19,268 cases of domestic violence were reported between 2020 and 2022 (Royal Malaysia Police) (PDRM). In 2020, 5,260 cases were recorded, followed by 7,468 cases in 2021 and 6,540 cases in 2022. When legal action is taken against religious organizations and the government, the situation becomes further tense. The credibility of Malaysia's Islamic judicial institutions will erode if this predicament remains. The Malaysian Syariah Justice Department (JKSM), the Malaysian Islamic Development Department (JAKIM), the Royal Malaysian Police (PDRM), and Bank Negara are among the various organizations involved in these cases. Is there a consistent system in place across Malaysia's different justice institutions? Consequently, the purpose of this study is to determine whether there is a need to enhance Malaysia's data management system for Islamic family issues. This qualitative research involved five of the highest-ranking JKSM officers being subjected to in-depth interviews with a line of questions that had been carefully selected and aligned with the study's objective. A theoretical framework model of Islamic family management was created based on the thematic analysis of the findings. The research findings suggest that there is a significant need to improve the management of family cases in the Syariah Court, including the need to improve the record system and technology between Malaysia's Syariah Courts. This advancement is significant because it contributes to the development of a Civilized Malaysian and is in line with Malaysia Madani proposed by Malaysia Prime Minister, which prioritizes the development of socially prosperous Malaysian families and communities.

Keywords: Syariah Court, Islamic family institutions, family issues, Islamic Family Law, Islamic family management

ABSTRAK

Peningkatan kes keluarga hari ini seperti kes keganasan rumah tangga, kegagalan membayar nafkah, kecurangan, poligami tanpa kerelaan dan lain-lain menarik perhatian orang ramai di media sosial apatah lagi melibatkan pempengaruh dan selebriti terkenal. Sebanyak 19,268 kes keganasan rumah tangga dilaporkan antara 2020 dan 2022 (Polis Diraja Malaysia) (PDRM). Pada 2020, 5,260 kes direkodkan, diikuti 7,468 kes pada 2021 dan 6,540 kes pada 2022. Apabila tindakan undang-undang diambil terhadap pertubuhan agama dan kerajaan, keadaan telah menjadi lebih tegang. Kredibiliti institusi kehakiman Islam Malaysia akan terhakis jika situasi ini berterusan. Jabatan Kehakiman Syariah Malaysia (JKSM), Jabatan Kemajuan Islam Malaysia (JAKIM), Polis Diraja Malaysia (PDRM), dan Bank Negara adalah antara pelbagai organisasi yang terlibat dalam kes itu. Adakah terdapat sistem yang konsisten di seluruh institusi keadilan Malaysia yang berbeza? Oleh yang demikian, objektif kajian ini adalah untuk mengkaji keperluan penambahbaikan sistem pengurusan di mahkamah Syariah. Kajian ini menggunakan kaedah kualitatif dengan melibatkan lima orang pegawai tertinggi JKSM yang ditemubual dengan soalan yang telah diteliti dan diselaraskan dengan objektif kajian. Model kerangka teori pengurusan keluarga Islam diwujudkan berdasarkan analisis tematik penemuan. Hasil kajian menunjukkan bahawa terdapat keperluan yang signifikan untuk menambahbaik pengurusan kes keluarga di Mahkamah Syariah dan antaranya ialah keperluan untuk menambah baik sistem rekod dan teknologi antara Mahkamah Syariah di Malaysia. Penambahbaikan ini penting kerana ia signifikan dengan pembangunan Malaysia Madani yang digagaskan oleh Perdana Menteri Malaysia, di mana memberi penekanan kepada pembangunan keluarga dan masyarakat Malaysia yang sejahtera sosial.

Kata kunci: Mahkamah Syariah, Institusi keluarga Islam, isu-isu kekeluargaan, undang-undang keluarga Islam, pengurusan keluarga Islam

INTRODUCTION

During the implementation of the movement control order in Malaysia, people had a variety of reactions, among them many welcomed the government's order and a few did not. Throughout the period, various issues arose, such as people losing their jobs, money shortages, food shortages, and shortages of other necessities. Approximately 94.8% of households earn less than RM2,000 per month, and 71% of self-employed households have only enough savings to cover one month's expenses (Lee Hwok, 2020). In a survey conducted by the Department of Statistics Malaysia on the effects of COVID-19 on the Malaysian household economy, 46.6% reported losing their jobs (Department of Statistics Malaysia, 2020). The situation has had an impact on Malaysia's family economy. As a result of the family's financial difficulties, several domestic conflicts have arisen, including alimony arrears and domestic violence. This domestic challenge must be handled carefully, not to mention cases involving social media influencers who harm the community. Malaysia has recently been presented with domestic issues such as infidelity and violence against spouses have been directed at domestic violence, which has elicited a negative response from Malaysians. The reaction casts a negative light on Islamic family institutions in Malaysia. Furthermore, the online management system in Malaysian Islamic family institutions is a bit difficult because it involves several different institutions such as domestic violence report cases under Royal Malaysia Police and Social Welfare Department. The Islamic religious department is in charge of marriage and divorce registration (Ramizah & Khairunnasriah, 2019). These scenarios demonstrate the importance and necessity of this research. The purpose of this research is to determine whether Malaysia's data management system for Islamic family issues needs to be improved or not.

PROBLEM STATEMENT

The rising number of family issues such as divorce, domestic violence, illegal polygamy and many others has raised concerns about the management system of family cases in Islamic Judiciary Department as the growth of information technology (IT) is not fully utilized. Even though the e-Bicara system and e-Nafkah system have been developed currently to strengthen the e-Syariah system, it is not fully

harnessed by all states in Malaysia. This creates inconsistent and uninformed use of online systems for the management of family cases in Syariah court (Ramizah & Khairunnasriah, 2019).

Family issues such as the alarming rate of divorce occurrence signal worrying circumstances as it is reported that the number of divorces among Muslims is more than 80 per cent compared to non-Muslims whereas Muslims only make up 61.3 per cent of the total population in Malaysia (Statistics Department of Malaysia). From January 2021 to June 2021, Malaysia's Syariah courts witnessed 71,806 cases of divorce in Muslim couples in just 6 months (The rakyat Post, 2021). What is the most worrying is the spouses' and children's difficulties relating to such divorces such as issues on *nafkah* (maintenance), custody, matrimonial properties etc. Without the proper e-Syariah system, it leads to difficulty and inefficient management.

Another example is the increasing number of domestic violence cases. A total of 19,268 cases of domestic violence were reported between 2020 and 2022 (Royal Malaysia Police) (PDRM). In 2020, 5,260 cases were recorded, followed by 7,468 cases in 2021 and 6,540 cases in 2022 (Women, Family and Community Development; Awang Nib Zuhairi, 2021). With this scenario, several court cases are expected to be filed by the affected parties. The same problem encountered here is the management system of family cases especially in Islamic Judiciary Department. Is the advancement of information technology fully utilized? Is there an existence of data integration with other related organizations? Concerning these issues, this research attempts to examine the need to enhance Malaysia's data management system for Islamic family issues.

LITERATURE REVIEW

The spread of the Covid 19 epidemic at the start of 2020 has brought some negative impacts on the global community's economic and social development. Malaysia will also experience significant economic contraction during the MCO implementation period. Not only that, but the social crisis in household institutions is one of the consequences of the economic contraction that occurred. As a result, in the presentation of the Malaysia Madani delivered by Prime Minister of Malaysia, YAB Dato Sri Anwar Ibrahim, which aims to "Malaysian Families - Prosperous, Inclusive, Sustainable," several focuses, including improving

the well-being of Malaysian families, have been placed. As a result, family issues that are negatively affecting family well-being must be addressed effectively for the 12th Malaysia Madani goals to be realized. A prosperous family should be built with a sense of harmony, fulfilment, and balance (Adler-

Baeder et al. 2007). Marital happiness refers to the couple's level of satisfaction and the marriage's life expectancy. Harmony, on the other hand, refers to a peaceful situation based on mutual assistance, tolerance, mutual trust, and mutual love among family members (Hadori & Minhaji, 2018).

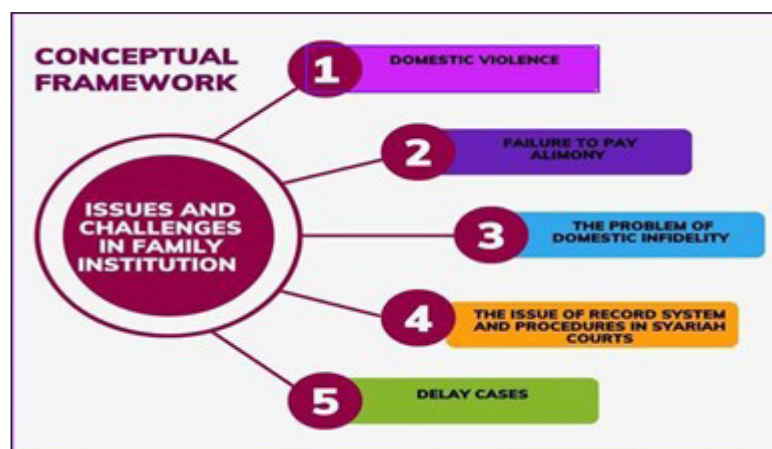


FIGURE 1. Conceptual Framework

DOMESTIC VIOLENCE

Domestic violence is defined in various ways based on ethical, cultural, and legal definitions, and it is an activity or attitude that harms women. Women who rely upon or are forced to rely on their partners' economic resources are more likely to be abused or exploited, and they are less likely to leave a partner (Cools & Kotsadam, 2017). During the implementation of the movement control order in Malaysia, people had a range of responses, including many who welcomed the government's order and a few who did not. Throughout the period, various issues arose, such as people losing their jobs, money shortages, food shortages, and shortages of other necessities. Approximately 94.8% of households earn less than RM2,000 per month, and 71% of self-employed households have only enough savings to cover one month's expenses. In a survey conducted by the Department of Statistics Malaysia on the effects of COVID-19 on the Malaysian household economy, 46.6% reported losing their jobs. Approximately 94.8% of those who still have a job reported a decrease in income, with 35.5% reporting a decrease in income of up to 90% (Lee Hwok, 2020).

Besides that, the domestic violence that occurred during the MCO period was an extension of a long-running domestic conflict. The causes of this domestic conflict are diverse, including intimate relationship issues, unbalanced roles, polygamy issues, communication conflicts, mental health

issues, and others. This conflict existed long before the MCO, and it became more acute when husband and wife had to spend a lot of time together. If the couple sees each other less because of work, socialising with friends, or going out frequently, the conflict can be reduced. As a result, when forced to be together, old conflicts will resurface and become the source of arguments and fights between husband and wife (Nurul Naimah & Aida Shakila, 2020).

Domestic violence is caused by a lack of appreciation for religious matters, which causes a person to act outside of his religion's demands. Furthermore, a free lifestyle, inability to control lust, or the perpetrator's intention to take revenge on the victim's words that hurt the perpetrator's heart, as well as the influence of modernization on dress code, will encourage the perpetrator to commit violent sex (anger rape) against his partner. After that, domestic violence normally happens when a partner begins to control or use violence to the point of causing injury, whether physical, emotional, or sexual. Misunderstanding, finances, jealousy, misrepresentation of women's roles, the influence of alcohol, threats, and personal problems all make a significant contribution to this situation. In the Malaysian context, the percentage of women who accept violence against their wives demonstrates that women believe that when they marry, they are "owned" by their husbands and that it is the husband's right to beat his wife for various reasons (Khaironisak et al., 2017).

Furthermore, employment factors impact the kind of domestic violence. This situation has created the impression that it is critical to assess the situation and develop interventions to reduce domestic violence cases. To address the issue of domestic violence, there is a need for professionals such as social workers, particularly in Malaysia, to help overcome the problem.

The Problem of Domestic Infidelity Statistics on cases of infidelity and domestic violence have been identified throughout Malaysia's MCO implementation. This is extremely concerning and continues to this day. Domestic violence affects 35% of women in their lifetime, according to the World Health Organization. In Malaysia, the Royal Malaysian Police received 5421 reports in 2018-2019, with nearly 9,000 more expected in 2021. The actual figure is higher, however, because not all victims came forward to file a report. According to the Domestic Violence Act 1994, domestic violence is a crime in Malaysia (Women's Aid Organisation, 2021). Infidelity in the family is a major cause of divorce. One of the factors is a result of social media's influence. Having an affair with others, forgetting responsibility, being complacent about social media, and losing trust are all reasons for divorce caused by social media. These incidents occur because of a couple's misbehavior on social media (Nik Adzrieman et al., 2017). Furthermore, many husbands marry abroad because Syariah law requires them to prove their ability to engage in polygamy. Most husbands who want polygamy are not capable of achieving it. The court will not grant applications that will harm the first wife. In addition to ability, which may not be an issue for some polygamy applicants, the court considers other factors such as the possibility that the first wife suffers from depression or emotional stress because of the situation (Berita Harian, 2018).

FAILURE TO PAY ALIMONY

During the COVID-19 epidemic and the implementation of the Movement Control Order (MCO) in 2020, cases of neglect of maintenance by husbands and ex-husbands against wives became cancerous and a critical issue in the lives of the community and families. Dato' Dr. Mohd Na'im bin Hj. Mokhtar, former Chief Judge and Director of the Syariah Justice Department stated that before the movement control order, only five cases were

reported within a month (Berita Harian, 2020). However, as many as five claims were reported within five days after the Family Support Division opened an online complaint on the Facebook application during the Movement Control Order (MCO). Furthermore, it has been reported that some husbands have not paid alimony for nearly ten years (Sinar Harian, 2021). Alimony refusal is also linked to economic issues and involvement with social symptoms. Furthermore, failure to manage family finances well through a luxurious lifestyle, not working, and having no permanent job are among the factors that contribute to household economic problems. As a result, the transparency of family maintenance payments suffers (Sinar Harian, 2019), alimony reluctance becomes a frequent topic in the mainstream media. An online newspaper report Berita Harian (2019) depicts the plight of single mothers who do not receive justice through child support payments. The ex-husband abandons full responsibility for the single mother, and the children's welfare is neglected. These situations will impede welfare and have an emotional impact on the children (Women's Aid Organisation, 2021). Next, complaints about husbands or ex-husbands failing to provide maintenance to wives or ex-wives increased compared to the previous year. The pressing pandemic situation with certain factors has heightened the urgency of this issue. After opening a Facebook social media site as a medium for receiving complaints during the MCO, the Family Support Division (BSK), Department of Syariah Judiciary Malaysia (JKSM) has been inundated with complaints of refusal to pay maintenance. Five complaints were received in a week, compared to five complaints received in a month previously (Berita Harian, 2020).

According to NurZulfah and Syazwani's (2020) research, a few ex-husbands are hesitant and recalcitrant in providing alimony ordered by the court. As a result, the practice of Family Support Assistance is thought and proven to be capable of assisting in channeling or extending advance maintenance assistance to children, and BSK has become one of the units of great concern to the State government. Furthermore, because it has been decided that the husband must provide the maintenance demanded by the wife or ex-wife, maintenance arrears claim in the Kuantan Pahang Syariah Lower Court are more focused on the rights and defense of women.

DELAY CASES

According to previous research (Raihanah Abdullah 2009; Farah Safura Muhammad 2016) postponement of cases that occur in the Syariah Court is unavoidable because the court wants to hear and examine a case before making any decision when the parties do not cooperate well. Furthermore, the main reason a case takes so long is that one of the parties does not appear despite the summons being issued. A management issue that frequently arises in Syariah judicial institutions is a delay of cases that cannot be resolved within the time frame specified, as well as a large delay of work. Indeed, this issue harms the Plaintiff, particularly the wife, who has had to wait for many years for a decision from the Syariah Judicial Institution on divorce cases, *hadhanah*, division of marital property, and maintenance claims (Shahrom & Basir, 2021).

THE ISSUE OF RECORD SYSTEM AND PROCEDURES IN SYARIAH COURTS

The success of the judicial system is dependent on effective and efficient record management. Before the implementation of the e-Syariah system, there were numerous delayed cases and complaints from the public, particularly women who filed claims. However, after several years of using the e-Syariah system, up to 58% of cases can be resolved within a month (Wan Satirah & Abrar Haider, 2012). Furthermore, JKSM has developed several innovations to improve the management of Syariah court cases. Sulh, Hakam, Family Support Division, e-Nafkah, and e-Faraid services are among the innovations introduced to speed up case management (Ramizah & Khairunnasriah, 2019). However, according to Zulzaidi and Ahmad Hidayat (2022), even though the Syariah Court technology system is expanding and being implemented, issues such as consistency in the use of the Syariah court system arise. To facilitate case management, the use of the Syariah Court system must be coordinated as a whole, just like the civil court. However, according to Zulzaidi and Ahmad Hidayat (2022), even though the Syariah Court technology system is growing and being implemented, issues such as consistency in the use of the Syariah Court system arise. To facilitate case management, the use of the Syariah court system must be coordinated as a whole, just like the civil court.

Furthermore, the issue of quality management is linked to workload and a backlog of cases that cannot be resolved within the time frame specified. Syariah Courts face a quality management problem due to a lack of coordination and uniformity in the work process between the Syariah Court headquarters and the branch level. Because all Syariah Courts in Malaysia use the e-Syariah system as a case management system, the development of technology systems in Syariah Courts from the standpoint of case management does not show significant changes. Aside from the e-Bicara system and the SPKMS sub-module, an e-Nafkah system has been developed to support the e-Syariah system (Ramizah & Khairunnasriah, 2019). Syariah Court Case Management System (SPKMS) is a module in e-Syariah that is used by Syariah Courts throughout Malaysia. Access to the SPKMS e-Syariah system is only available through the Syariah Court office. This means that if any staff member wishes to use the system outside of the Syariah Court office area, they are not permitted to do so. This is done to ensure that the system is safe to use. However, since the Covid-19 Pandemic hit the country, the SPKMS system has been optimised so that it can be used outside of the Syariah Court, particularly at home for staff working from home (WFH) (Zulzaidi & Ahmad Hidayat).

Even though the general dealings in Syariah Courts are similar, each Syariah Court in Malaysia has its business processes and operates differently from its counterparts. The reason for this disparity is that Syariah Courts are managed by each state and have their administration. As a result, the management of each court determines how the court is to be administered. As a result of this disparity, Syariah Courts in various Malaysian states handle similar tasks in a variety of ways. This lack of standardisation extends beyond workflow to different sets of technologies used as well as different sets of forms, formats, and write-ups. States do not use standardised case classification numbers or record books. Many cases of case overlapping (where the same cases have been registered in more than one jurisdiction) have occurred, particularly in cases of child custody, divorce, and inheritance where they are filed and registered in different state courts on purpose (Wan Satirah & Abrar Haider, 2012).

Prominent efforts have been made to standardise court procedures across all Syariah Courts in Malaysia, which is difficult given that Syariah Courts are established and regulated by different

states. The ability to trace specific records, locate materials relating to specific points of law, and retrieve information relating to a specific case are the primary advantages and benefits of electronic records. Syariah cases are governed by state laws, which vary from state to state. Because of different interpretations of Islamic jurisprudence, similar cases received different verdicts. Technology initiatives may provide avenues for consolidating interpretations as 298 additional nourishments to aid the current snag. As a result, technological initiatives should be strengthened and expanded in place of legal reasoning and interpretations that are best suited to identifying and responding to cases. The pursuit of better court service delivery is a priority. To provide fair justice, courts of law rely on information that is timely, accessible, extensive, and all-inclusive (Mohd Shariff, 2018). From the general procedures in Syariah Courts, its effectiveness may be subject to many aspects, for example, parties in the disputes, the court and the conciliatory committee's decision in the acknowledgement of the case (Noor Fadhzana et al., 2022).

THE NEED TO IMPROVE ISLAMIC FAMILY FOUNDATION

The most important foundation in the formation of a *saknah* family is a household built on piety, guided by the Quran and Sunnah, rather than solely on love. It serves as a guide for husband and wife when they face various problems in their marriage. Without '*al-mawaddah*' and '*al-Rahmah*', society will be unable to live peacefully, particularly in family institutions. These two things are critical because the nature of love in a household can give birth to a happy society, mutual respect, mutual trust, and mutual assistance. Marriage will be destroyed without love, and happiness will be a pipe dream. According to research, the element of *saknah* exists when there is a sense of calm when together with the family, and if there is a conflict, the couple resolves it quickly. The sensation of *mawaddah* is caused by the love that burns in each couple until it produces feelings of love for each other. The effect of their feelings of love and affection between them then gives rise to the sensation of *rahmah*. The highest form of love in the family is *rahmah*, and that feeling will be lost if the couple disobeys each other. There is also an interpretation of the young couple's resulting *mawaddah* and the elderly couple's resulting *rahmah* (Dwi Runjani Juwita, 2017).

The feeling of *mawaddah* is constantly nurtured until the feeling of *rahmah* emerges. Giving birth is one of the outcomes of *saknah* and *mawaddah*. The presence of children has produced a sense of mercy, which has increased the sense of pity not only between husband and wife but also beyond the children. When implemented in a family, this merciful nature will form an individual attitude of compassion in daily life, which will eventually become a habit when interacting with the people around them. The truth is that men require women and vice versa. This is because each has a characteristic or feeling that will be incomplete unless they mutually give, receive, and complement each other (Nur Faezah, et al., 2020).

The most valuable capital in developing a pleasant family is *saknah/peace*. A happy household brings peace to the soul and mind, calm to the body and heart, stability to life and livelihood, arouses passion for life, and brings peace to men and women as a whole. In addition to *saknah*, the Qur'an uses two other words in the context of household life: *mawaddah* and *rahmah*. The Department of Religion is translated as "love" and "love" in the Qur'an and its Tafsir. *Mawaddah* is derived from the verb *wadda-yawaddu*, *waddan wa mawaddatan*, which means love, love, and like, according to his vocabulary explanation. *Rahmah* is derived from the verb *rahima yarhamu-rahmatan wa marhamatan*, which means love and pity (Ismatulloh, 2015). *Saknah* is not something that has already happened or happened once but must be earnestly sought after (*mujaahadah*) and continually renewed because it is dynamic in nature, rising and sinking. In other words, a peaceful marriage does not imply that there are no problems because marriage is like a ship sailing on the ocean, and no matter how calm the ocean is, there will be waves. A simple picture of the *saknah* family is that each party is full of determination to overcome problems that arise, based on a strong desire to achieve the fulfilment of the human soul peace and tranquility (Henderi Kusmidi, 2018). Besides, *saknah* family can be seen in the well-being family model, which is a happy family, love, personal qualities, positive communication, residence peace and security and food security (Jamiah, 2023).

By selecting the wrong partner, you will be unable to build a prosperous family institution based on *saknah mawaddah warahmah*. A responsible, personal attitude is subjective, yet through the proper selection process before marriage, the risk of

a marital crisis later is reduced. Furthermore, failure to select a good partner will have an impact on the children's character development and education in the future. As a result of the failure to select a life partner, the goal of developing a prosperous family and a stable society will be postponed (Muhammad Abu Zuhrah, 1970).

As a result, in the selection of a partner, both partners have equal rights. In Surah Al Ahzab, Allah says: "Indeed, the muslim men and muslim women, the believing men and believing women, the obedient men and obedient women, the truthful men and truthful women, the patient men and patient women, the humble men and humble women, the charitable men and charitable women, the fasting men and fasting women, the men who guard their private parts and the women who do so, and the men who remember Allah often and the women who do so – for them, Allah has prepared forgiveness and a great reward" (Surah Al Ahzab: 35).

Essentially, the above verses demonstrate the initial guidance in selecting a partner. Choosing a good partner will have an impact on the formation of a prosperous family. However, with various factors affecting the world today, such as economic and social factors, realising the concept of a prosperous family has become a significant challenge. Domestic violence and the refusal of the family's head to pay for the family are two examples of family crises that must be highlighted (Ahmad Hasan Karzun 1997; Muhammad Abu Zuhrah 1958; Muhammad Abu Zuhrah 1970). The selection of a partner is important not only in Muslim practise, but also in the opinion of Western researchers who believe that it should be done to avoid a toxic marriage. This follows a significant increase in the neglect of spouse and child rights, which is becoming increasingly concerning (Brid et al., 2014). Based on the attributes, the writing of this literature review was established with a conceptual framework, as shown in the diagram below, to discuss the need to improve the case management system in the Malaysian Syariah Court.

METHODOLOGY

This research used a qualitative research design, with five experts from Malaysia's Islamic Justice Department. Data were collected through partially

structured questions with respondents. The recorded data was then transcribed verbatim and coded using NVivo software version 10. The qualitative data analysis employed three techniques: word-based analysis, code-based analysis, and content analysis. NVivo computer software assisted investigators in storing and encoding data, creating a classification system, enumerating, searching for relationships, and producing graphics. Furthermore, data triangulation includes conducting pilot studies on field experts, multiple case studies, triangulation of interview data with other informal interview data in focus group discussions, and participant confirmation on interview data.

Richie and Klien (2007) are used as a reference in this study to build the necessary framework to improve case management in the Syariah Court. Richie and Klien's theory develops the framework and design in three stages which is phase 1 is Needs Analysis, phase 2 is Design and Development, and phase 3 is Evaluation.

However, the researchers have adapted the phase to the study's objectives. The researchers only used Richie and Klien's (2007) phase 1 analysis of needs to identify the needs and challenges in case management in the Syariah Court. The respondents who participated in the needs analysis were divided into five groups of experts. The obtained data was transcribed verbatim, and the transcripts were checked for accuracy several times. The interview data was then analysed using the atlas application and the method of inductive thematic analysis of interview transcription. Ti 9. According to Braun and Clarke (2006), thematic analysis consists of six interconnected phases which are analysing the data, determining the initial code, finding the theme, researching the theme, giving the theme a name, and lastly creating reports.

RESULTS

This research objective, to determine whether Malaysia's data management system for Islamic family issues needs to be improved, is met by the findings obtained from the interview. Table 1 shows the outcomes of the focus group discussion and demonstrates that family matters in Syariah Court should not be taken lightly.

TABLE 1. The need to improve the case management system in Malaysia's Syariah court

Theme	Gloss	Coded Text
1. There is no data integration with other organisations.	The development of e-Syariah version 3, which will replace the old system, is currently underway, as are efforts to improve the system. However, the new e-Syariah version does not yet integrate with institutions such as JAKIM, Bank Negara, and PDRM.	<p><i>The Wilayah Persekutuan Syariah Court and Selangor launched e-Syariah Version 3 to improve the system. (Respondent 1)</i></p> <p><i>The Director of the Division of Information and Communication Technology is personally involved in the development of digitization efforts. (Respondent 4)</i></p> <p><i>However, there is no information about the recording of domestic violence cases. (Respondent 1)</i></p> <p><i>Integration has not occurred this year and will not occur next year because JAKIM is not prepared to integrate the two systems. (Respondent 3)</i></p> <p><i>There is a list for the integration of e-Syariah version 3 with the national registration department, i-Law, JPPI, MAMPU, and JKSM.</i></p> <p><i>Integration with the bank is currently ongoing, with a focus on online payments via the fpx platform, and integration with PDRM will follow. (Respondent 3)</i></p>
2. Islamic Family law jurisdictions differ.	<p>Domestic violence, for example, involves several institutions, including the PDRM, the Syariah Court, and the religious department.</p> <p>Marriages and divorces involving the state religious department, Syariah Court hearings, and reports of violent crimes and IPOs are all reported through the jurisdiction of PDRM and JKM.</p>	<p><i>Family issues should be handled by JAKIM. Marriage data is kept by JAKIM, and divorce data is kept by the Malaysian Syariah court. (Respondent 1)</i></p> <p><i>Because there are cases where the court has granted the polygamy application, but some people are not married, the religious office's polygamy data is more appropriate to be requested. So, the religious office has the correct polygamy information. (Respondent 2)</i></p>
3. There is no system consistency among the states.	<p>JKSM serves as a system consistency centre for all states. There will be issues if states do not follow the center's instructions.</p> <p>If this inconsistency continues, the parties will question JKSM's credibility and authority.</p>	<p><i>The court's main objective is to align the case's data frame. However, when the state departs from the original system and establishes its own, it complicates the original objective of the centralised system and causes problems. The significance of centralised database systems does not necessitate the development of separate systems. (Respondent 1)</i></p> <p><i>Many masyaqqah involve the community, which can be avoided if the same, centralised system is used. (Respondent 2)</i></p> <p><i>Sarawak has i-Syariah, while Perak has e-Syariah. Perak without notifying JKSM.</i></p> <p><i>JKSM requests that the Perak Chief Justice maintain the current system. (Respondent 3)</i></p> <p><i>Do not create a new system because the current system is intended to prevent society from manipulating and tyranny from occurring. (Respondent 5)</i></p>

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4. An increase in family law cases	Alimony cases have increased since the MCO was implemented. It cannot be denied that domestic violence and refusal to pay alimony are among the family cases that receive the most attention in some institutions involved, such as JKSM.	<p><i>Family and alimony cases have increased. Trials related to cases during the MCO have been implemented since the MCO until today.</i> (Respondent 2)</p> <p><i>Alimony and violence cases were reported throughout MCO, and while many were laid off, they are now in the family economic recovery phase.</i> (Respondent 1)</p>
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According to the data obtained through the theme, “Islamic Family law jurisdictions differ” and “there is no data integration with other organisations”. However, all respondents agreed that family cases typically involve multiple agencies. Several agencies, including PDRM, Syariah Court, and JKM, are involved in the management of domestic violence cases. However, there is no integration between the agencies’ systems. The researcher believes that this is critical and requires attention. Family cases must be prioritised, not to mention the environmental challenges that we face today. This study’s findings are consistent with those of Zulzaidi and Ahmad Hidayat (2022) stated that the development of new state-level applications for the management of Syariah Courts should be coordinated across Malaysian states to ensure that they are used optimally and comprehensively. The development of electronic technology at the Syariah judicial level in Malaysia has been slower than that of the system used in civil judicial institutions. The adoption of electronic technology in Malaysia’s civil justice system is progressing at an encouraging rate. This issue needs focus, not to mention the study’s findings “there is no system consistency among the states”. As the centre that standardised instructions between states, the e-Syariah system used must be under JKSM. The source of this disparity must be identified and resolved as soon as possible so that there is no manipulation in the community.

In addition, respondents agreed that during the MCO, the number of family cases involving domestic violence and maintenance arrears increased. This finding resulted in a theme “An increase in family law cases”. Many reports were received, but not all applied for that case in the Syariah Court. This is also one of the challenges that the Syariah Court must address for the applicant and the parties involved to receive clear information. The most common reason why the wife did not act after receiving the alimony order is that she does not know how to enforce the order if it is not obeyed.

The second reason is that there is no specific body to act on this issue. The meeting’s decision was released in October 2008, with the establishment of the Family Support Division (BSK). BSK is directly involved in providing Syariah legal and advisory services to parties involved, specifically concerning maintenance claims, as well as enforcement procedures and judgment execution after a Syariah Court judgment or order has been made. However, there are constraints in smoothing the alimony payment process, including BSK’s financial management issues and the need for sufficient funds to assist mothers and wives involved in alimony disputes (NurZulfah & Nur Syazwani, 2020).

CONCLUSION

Based on the family issues discussed, the researcher believes that a data management framework for Malaysian Muslim family cases is required. Domestic violence and refusal to pay alimony are examples of family issues that, if not addressed, will become a cancer in society. To fulfil the Maqasid Syariah requirements of preserving the family and the social welfare of the community, a system that collects data and records of cases of domestic violence and cases involving alimony is required. The JKSM managed e-Syariah system is a medium that needs to be improved, because the function of e-syariah should not only be capable of maintaining cases and case schedules but also be able to become a data collection centre for cases of domestic violence and refusal to pay alimony involving Malaysian Muslim families. The delay in resolving the case does not only make Syariah judicial institutions appear inefficient and ineffective, but it is also feared that the individuals involved will suffer because of receiving justice late. As a result, it demonstrates the critical need to improve family case management to maintain Islamic institutions’ credibility.

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REFERENCES

- Adler-Baeder, F., Kerpelman, J. L., Schramm, D. G., Higginbotham, B., & Paulk, A. 2007. The impact of relationship education on adolescents of diverse backgrounds. *Family Relations*, 56(3): 291–303.
- Ahmad Hasan Karzun. 1997. *Mazaya Nizam al-'Usrah al-Muslimah*. Bayrut: Dar Ibn Hazm.
- Aun, Lee Hwok. 2020. Unemployment among Malaysia's youth: Structural trends and current challenges. © ISEAS Yusof Ishak Institute.
- Awang Nib Zuhairi A. A., Hadenan, T., & Abdul Razak A. K. 2021. Kesejahteraan Keluarga Menurut Maqasid Syariah Dalam Konteks Masyarakat Majmuk Di Sarawak: Satu Tinjauan Awal. *AZKA International Journal of Zakat & Social Finance*, 1(2), 163-185. <https://doi.org/10.51377/azjaf.vollno2.36>
- (Berita Harian). 17 April 2020. PKP: Aduan tidak memberi nafkah meningkat. <https://www.bharian.com.my/berita/nasional/2020/04/678103/pkp-aduan-tidak-beri-nafkah-meningkat> Retrieved on: 9 April 2023
- (Berita Harian). 28 Januari 2019. Suami culas tidak boleh lari lagi. <https://www.bharian.com.my/wanita/lain-lain/2019/01/524844/suami-culas-dah-tak-boleh-lari> Retrieved on: 9 April 2023
- (Berita Harian). 21 September 2018. Suami perlu buktikan kemampuan sebelum poligami. <https://www.bharian.com.my/rencana/agama/2018/09/476315/suami-perlu-buktikan-kemampuan-sebelum-poligami> Retrieved on: 9 April 2023
- Braun, V. & Clarke, V. 2006. Qualitative research in psychology using thematic analysis in psychology. *Qualitative Research in Psychology* 3(2): 77–101.
- Brid, F., Kate, M., & Sue, W. 2014. A marriage made in hell: Early intervention meets child protection. *The British Journal of Social Work* 44 (7): 1735–1749, <https://doi.org/10.1093/bjsw/bct052>
- Cools, S., & Kotsadam, A. 2017. Resources and intimate partner violence in Sub-Saharan Africa. *World Development*, 95, 211-230. <https://www.sciencedirect.com/science/article/pii/S0305750X17300542>
- Department of Statistics Malaysia. 2020. https://v1.dosm.gov.my/v1/index.php?r=column/cfour&menu_id=b1d2TmwvM3VUcHRVYk53cFVycmlwZz09&bul_id=RjRPUHZZVml0NXI2anNNb1RBcnIxQT09
- Dwi Runjani Juwita. 2017. Konsep sakinah, mawaddah warrahmah menurut Islam. *An-Nuha*, vol. 4/2 (2017), 218. <http://download.garuda.kemdikbud.go.id/article.php?article=1724124&val=8299&title=KONSEP%20SAKINAH%20MAWADDAH%20WARRAHMAH%20MENURUT%20ISLAM>
- Farah Safura Muhammad. 2016. Analisis Faktor Kes Pembubaran Perkahwinan Yang Kerap Bermasalah Di Mahkamah Syariah. *Sains Humanika* 8 (3-2). <https://doi.org/10.11113/sh.v8n3-2.965>.
- Hadori, M. & Minhaji, M. 2018. Makna kebahagiaan dan keharmonisan rumah tangga dalam perspektif psikologi. *Jurnal Pengembangan Pemikiran Dan Kebudayaan*, 12(1), 5-36. <https://doi.org/10.35316/lisanalhal.v12i1.139>
- Henderi Kusmidi. 2018. Konsep sakinah, mawaddah dan rahmah dalam perkahwinan. *El-Afkar*, vol. 7/2 77.229578779.pdf (core.ac.uk)
- Ismatulloh. A. M. 2015. Konsep sakinah, mawaddah dan rahmah dalam al-Quran perspektif penafsiran kitab al-Quran dan tafsirannya. *Mazahib Jurnal Pemikiran Hukum Islam*. XIV, No. 1 <https://media.neliti.com/media/publications/57778-ID-konsep-sakinah-mawaddah-dan-rahmah-dalam.pdf>
- Jamiah Manap. 2023. Model keluarga sejahtera daripada refleksi terhadap surah al-Waqiah dan surah ar-Rahman. *Journal of Southeast Asia Social Sciences and Humanities, Akademika* 93(3), 2023: 181-196. doi.org/10.17576/akad-2023-9303-14.
- Khaironisak, H., Zaridah, S., Hasanain, F. G., & Zaleha, M. I. 2017. Prevalence, risk factors, and complications of violence against pregnant women in a hospital in peninsular Malaysia. *Women & Health*, 57(8): 919-941. <https://pubmed.ncbi.nlm.nih.gov/27636717>
- Mohd Shariff, R. N. 2018. The ramification of technology initiatives in Syariah Courts. *International Journal of Law, Government and Communication* 3 (13): 291-299. <http://www.ijlgc.com/PDF/IJLGC-2018-13-12-26.pdf>
- Muhammad Abu Zuhrah. 1970. *al-Mujtama' al-Insani fi Zill al-Islam*. Bayrut: Dar al-Fikr, h.79.
- Muhammad Abu Zuhrah. 1958. *Muhadarat fi 'Aqd al-Ziwaj wa Atharuhu*. al-Qahirah: Dar al-Fikr al-'Arabi, hh. 222-224.
- Nik Adzrieman, A. R., Zaneza, M. Z., & Suryati A. S. 2017. Media sosial dan kepincangan hubungan kekeluargaan: Penelitian dari aspek punca serta anjakan paradigma dalam usaha menangannya. *Seminar Teknologi Multimedia & Komunikasi 2017*. <http://www.smmtc.uum.edu.my/images/proceeding/e-Prosiding2017-Complete-20191206.pdf#page=26>
- Noor Fadhzana M. N., Mumtazah N. & Siti Amalina A. K. 2022. Keberkesanan tahkim di mahkamah-mahkamah syariah di selangor berdasarkan pendekatan pencapaian matlamat dalam keberkesanan organisasi. *Journal of Southeast Asia Social Sciences and Humanities, Akademika* 92(2), 2022: 113-127, DOI:10.17576/akad-2023-9302-10

- Nurul Naimah, R. & Aida Shakila I. 2020. Keganasan Rumah Tangga Semasa Tempoh Perintah Kawalan Pergerakan Di Malaysia. Universiti Malaysia Perlis, Malaysia.UM Press.
- NurZulfah Md. A. S. & Nur Syazwani M. K. 2020. Arrears of maintenance issues: Requirements of family support division (BSK). *Journal of Muwafaqat*, 3(1), 38–51.
- Nur Faezah M., Raihanah A., & Bahiyah A. 2020. Sakinah, mawaddah dan rahmah dalam perhubungan suami isteri: Analisis Literatur. *Jurnal Syariah*, 28(1), 81–104. <https://doi.org/10.22452/js.vol28no1.4>
- Richie, R.C. & Klein, J. D. 2007. Design and development research. New Jersey: Lawrence Erlbaum Associates, inc.
- Raihanah Abdullah. 2009. Penangguhan kes di Mahkamah Syariah: Cabaran dan penyelesaian. *Jurnal Syariah* 17 (1): 1-30.
- Ramizah W. M. & Khairunnasriah A. S. 2019. Kejayaan modal insan dan inovasi dalam pentadbiran Mahkamah Syariah: Membina model antarabangsa, Achievements of Human Capital and Innovation in the Administration of Shariah Court: Aiming for An International Model. *Jurnal Syariah*, 27(1), 27–44. <https://doi.org/10.22452/js.vol27no1.2>
- Shahrom, N. F. N., & Basir, S. A. 2021. Sistem Pengurusan Kualiti Berteraskan Syariah MS 1900: Pelaksanaan di Mahkamah Syariah Negeri Melaka (Shariah-based Quality Management System MS 1900: An Implementation at Melaka State Syariah Court). UMRAN - *Journal of Islamic and Civilizational Studies*, 8(3), 51–73. <https://doi.org/10.11113/umran2021.8n3.497>
- (Sinar Harian 2021). 10 Disember 2021. Ramai suami liat bayar nafkah <https://premium.sinarharian.com.my/article/154290/fokus/laporan-khas-/ramai-suami-liat-ba> Retrieved on: 9 April 2023
- (Sinar Harian 2019). 18 Oktober 2019. Patuhi perintah bayar nafkah, ia dianggap hutang jika ingkar <https://www.sinarharian.com.my/article/52722/lifestyle/sinar-islam/patuhi-perintah-bayar-nafkah-ia-dianggap-hutang-jika-ingkar> Retrieved on: 9 April 2023
- (The Rakyat Post 2021). 25 Ogos 2021. 71,806 Muslim Malaysian Couples Divorced In The Past 6 Months <https://www.therakyatpost.com/news/malaysia/2021/08/25/71806-muslim-malaysian-couples-divorced-in-the-past-6-months/> Retrieved on: 12 April 2023
- Wan Satirah W. M. S. & Abrar H. 2012. Electronic Court Records Management: A Case Study. *Journal of e-Government Studies and Best Practices Vol. 2012 (2012)*, Article ID 925115, 11 pages DOI: 10.5171/2012.925115
- Women's Aid Organisation, WAO. 2021. Getting help for domestic violence <https://wao.org.my/getting-help-for-domestic-violence/>
- Zulzaidi M. & Ahmad Hidayat B.. 2022. Perkembangan penggunaan teknologi maklumat di Mahkamah Syariah Malaysia. *Journal of Syariah Law Research* 7 (1) 85-106). <https://ejournal.um.edu.my/index.php/JSLR/article/view/37285>
- Zulzaidi M. & Ahmad Hidayat B. 2022. Transformasi teknologi elektronik melalui aplikasi sistem e-syariah dan i-syariah dalam Sistem Pengurusan Mahkamah Syariah Malaysia. *Kanun: Jurnal Undang-undang Malaysia* 34(1): 45–74. [http://doi:10.37052/kanun.34\(1\)no3](http://doi:10.37052/kanun.34(1)no3)
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